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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,222	06/29/2007	Yoshihiko Minachi	OBA-41173	1469
116 7590 11/17/2009 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER KOSLOW, CAROL M	
			ART UNIT 1793	PAPER NUMBER
			MAIL DATE 11/17/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,222

Applicant(s)

MINACHI ET AL.

Examiner

C. Melissa Koslow

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-12 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS-08)
Paper No(s)/Mail Date 11/10/09.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

This action is in response to applicants' amendment of 6 October 2009. The amendment to the title is acknowledged and has been entered. The amendments to the claims have overcome the 35 USC 112 rejection, the obviousness double patenting rejection over application 10/597,498, the 35 USC 103 rejection over U.S. patent 4,397,796 and the 35 USC 103 rejection over claims 13-17. The obviousness-double patenting rejection over application 10/558,879 is withdrawn since that application has been abandoned. The certified translation of the priority document has overcome the 35 USC 103 rejection over claims 8-12. Applicant's arguments with respect to the remaining rejection have been fully considered but they are not persuasive.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 2005/013293.

U.S. patent application publication 2007/0009767 is the national stage application for WO 2005/013293 and thus is the translation for WO 2005/013293.

This reference teaches ferrite magnetic material having the formula $\text{MeFe}_a^{2+}\text{Fe}_b^{3+}\text{O}_{27}$, where a is 1.1-2.4, b is 12.3-16.1 and Me can be Ba and Sr. Thus the reference suggests ferrites having the formula $(\text{Sr}_{1-x}\text{Ba}_x)\text{Fe}_a^{2+}\text{Fe}_b^{3+}\text{O}_{27}$, where $0 < x < 1$, a is 1.1-2.4, b is 12.3-16.1 and a+b is 13.4-18.5. This range overlaps the claimed amounts of barium. Product claims with numerical ranges which overlap prior art ranges were held to have been obvious under 35 USC 103. *In re Wertheim* 191 USPQ 90 (CCPA 1976); *In re Malagari* 182 USPQ 549 (CCPA 1974); *In re Fields* 134 USPQ 242 (CCPA 1962); *In re Nehrenberg* 126 USPQ 383 (CCPA 1960). Also see MPEP 2144.05. The main phase of the ferrite is a W-type hexagonal ferrite. The material can be

in the form of a sintered body with an average grain size of 0.8 micron or less and in the form of a powder. The reference that ferrite powder can be used to form bonded magnets, where the ferrite powder is dispersed in a resin or in film-type layers of a magnetic recording medium. The taught grain size overlaps that claimed. The reference teaches that the ferrite material can further contain CaCO_3 and SiO_2 in amounts of 0.3-1.5 wt% and 0.1-1.8 wt%, respectively. The amount of calcium carbonate falls within the claimed range and the amount of silica overlaps that claimed. The reference suggests the claimed ferrite.

Applicants' arguments have been considered but are not convincing. The translated priority document teaches ferrites having the formula $(\text{Sr}_{1-x}\text{Ba}_x)\text{Fe}_a^{2+}\text{Fe}_b^{3+}\text{O}_{27}$, where $x=0.3-0.8$, a is 1.5-2.1 and $a+b$ is 13.5-18.5. Thus while the claimed subject matter having this formula has the effective filing date of 4 March 2004, the claimed ferrite compositions where $13.4 \leq a+b < 13.5$ and where $1.1 \leq a < 1.5$ or $2.1 < a \leq 2.4$ have the effective filing date of 3 March 2005. The reference suggests compositions where $1.1 \leq a < 1.5$ or $2.1 < a \leq 2.4$ and $13.4 \leq a+b < 13.5$, which are not taught in the priority document. Therefore the rejection is maintained.

Claims 8-12 are allowable over the cited prior art of record.

The priority document teaches the subject matter of claims 8-12 and thus these claims have the effective filing date of 4 March 2004. There is no teaching or suggestion in the cited prior art of a sintered magnet comprising a W-type ferrite which contains Sr and Ba and having a grain size of 0.6 microns or less before this effective date.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa Koslow whose telephone number is (571) 272-1371. The examiner can normally be reached on Monday-Friday from 8:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached at (571) 272-1233.

The fax number for all official communications is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/cmk/
November 18, 2009

/C. Melissa Koslow/
Primary Examiner
Art Unit 1793